



**DEPARTMENT OF THE ARMY**  
**DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER & PRESIDIO OF MONTEREY**  
**INSTALLATION LEGAL OFFICE**  
**1336 PLUMMER STREET, BUILDING 275**  
**MONTEREY, CA 93944-3327**

REPLY TO  
ATTENTION OF

ATZP-JA

26 July 2004

**MEMORANDUM FOR ALL**

**SUBJECT: Gifts Between Employees**

1. **PURPOSE:** To summarize the Joint Ethics Regulation (JER) rules concerning gifts between employees.

2. **DISCUSSION:**

a. **General Rule:** Employees may not:

(1) give, or solicit contributions for, gifts to someone in their subordinate-official superior chain; or

(2) accept gifts from employees who are paid less than they are, unless there is no superior-subordinate relationship and there is a personal relationship justifying gifts.

b. **Exceptions:** The following are recognized exceptions to the aforementioned general rule:

(1) Gifts may be given on an occasional basis when:

(a) \$10 or less per occasion (e.g., birthday gift or a souvenir gift upon return from a vacation) (no cash);

(b) Refreshments shared in the office;

(c) Personal hospitality at an employee's home; or

(d) Customary gifts given in connection with the receipt of hospitality.

(2) **Special and infrequent occasions.** Subordinates may give a gift appropriate to the occasion to a superior on special and infrequent occasions, such as marriage, illness, or birth of a child. Occasions that terminate subordinate-official superior relationship, such as retirement, resignation or transfer are considered special and infrequent occasions. Note that promotions are not considered special and infrequent occasions, unless employee is also being transferred out of the chain of command.

(a) **Value of Gift.** Gifts normally should not exceed \$300 from a "donating group" whose definition depends on the circumstances (e.g., companies for battalion commander; battalions for a brigade commander).

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(b) Solicitation for Contribution. Contributions must be voluntary and may not exceed a nominal amount. DoD defines a nominal amount as \$10; however, while more than \$ 10 may not be solicited, an individual may offer to contribute more. An employee should not contribute as part of more than one donating group. If he or she does, the different groups become one donating group and the value of each group will be aggregated.

c. Gifts to Spouses. Gifts from an employee's spouse to another employee's spouse will be considered a gift between employees subject to the above rules, unless there is an independent basis for the gift to the spouse.

3. POC is CPT Young J. Park at (831)242-6402.